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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,573	03/19/2001	Yasushi Tomita	503.39860X00	6270
20457	7590	08/01/2005	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			RODRIGUEZ, PAUL L	
		ART UNIT	PAPER NUMBER	
		2125		

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/810,573	TOMITA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Paul L. Rodriguez	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/15/05</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. The amendment filed 6/15/05 has been received and considered. Claims 1-7 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Sinha et al (U.S. Pat 6,697,951). The claimed invention reads on Sinha et al as follows:

Sinha et al discloses (claim 1) an electric power demand prediction service method (Abstract, col. 2 lines 10-34, col. 4 line 60 – col. 5 line 5, col. 6 lines 20-50) in supplying an electric power from an electric power supplier (reference number 102, 114, 104) to an energy consumer (reference number 102, other 102 figure 1), comprising the steps of connecting said electric power supplier (reference numbers 102, 114) which supplies the electric power to the energy consumer (102) to a demand prediction service provider (116) through a communication circuit (figure 1, reference number 120, 118, col. 4 lines 16-34), receiving an electric power demand and supply record data which is measured and collected by said electric power supplier (col. 4 lines 27-60), performing prediction calculation of demand power to be supplied from said electric power supplier on the basis of said received record data so as to produce power demand prediction data (col. 4 line 60 – col. 5 line 5, col. 6 lines 20-50), delivering said power demand

prediction data to said electric power supplier (col. 7 line 8 – col. 8 line 13), calculating a charge for the service of producing said power demand prediction data for said electric power supplier and delivering a result of the charge calculation to said electric power supplier (Abstract, col. 3 lines 24-38, ESP provides services to sites subscribing to the service, it is considered inherent that a charge is calculated and delivered to the supplier. Also could be considered as sending and displaying the information depicted in figure 4, charges and costs determined by the predictions), (claim 2) the prediction calculation of the demand power is performed using the power demand prediction data held by said electric power supplier or a database of an external organization in addition to the electrical power demand and supply record data (col. 4 line 35 – col. 5 line 5), (claim 3) an electric power demand prediction service system (figures 1-3) in supplying an electric power from an electric power supplier (reference number 114, 104) to an energy consumer (reference number 102, figure 1), comprising a demand prediction service center (reference number 116) including an electric power demand and supply record data receiving portion (reference number 202) connected with said power supplier which supplies the electric power to the energy consumer (col. 4 lines 60-63, suppliers 102, 114) through a communication circuit (figure 1, 3, col. 4 line 16 – col. 5 line 5) and receiving an electric power demand and supply record data which is measured and collected by said electric power supplier (figure 3, col. 4 lines 35-50, sent from 102), predicting portion for performing a prediction calculation of demand power to be supplied from said electric power supplier on the basis of said received record data so as to produce power demand prediction data (col. 4 line 51 – col. 5 line 5, col. 6 lines 20-50), a delivering portion for delivering said power demand prediction data to said electric power supplier (col. 7 line 8 – col. 8 line 13), charge calculation processing portion for

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calculating a charge for the service of producing said power demand prediction data for said electric power supplier (abstract, col. 3 lines 24-38, subscription for services) and a delivering portion for delivering a result of the charge calculation to said electric power supplier (reference number 118, 102, col. 4 line 16 – col. 5 line 5, also see comments for claim 1), (claim 4) wherein said demand prediction service center (reference number 116, ESP) performs the prediction calculation of the demand power using the power demand prediction data held by said electric power supplier or a database of an external organization in addition to the electric power demand and supply record data (col. 4 lines 51 – col. 5 line 5), (claim 5) wherein said demand prediction service center cumulatively store the demand power prediction data for the electric power supplier in a customer data file and make reference to said customer data file upon demand power prediction calculation (col. 4 lines 42-50, historical information), (claim 6) wherein said predicting portion performs prediction calculation of demand power on the basis of a reception signal of a load survey data or distribution line measurement data of the electric power supplier or a result of cluster analysis of load curve record value (reference number 306, figure 4, col. 7 line 8 – col. 8 line 13, considered load survey data), (claim 7) wherein said charge calculation processing portion further determines a charge to a customer on the basis of at least one of precision of prediction, size of geometric area, length of prediction period, time interval of prediction, and size of electric power variation amount in the load curve in a prediction time zone (col. 7 lines 48-56, length of prediction period). Examiner would like to point out that any reference to specific figures, columns and lines should not be considered limiting in any way, the entire reference is considered to provide disclosure relating to the claimed invention.

***Response to Arguments***

4. Applicant's arguments filed 6/15/05 have been fully considered but they are not persuasive.

Applicant argues that Sinha et al is directed to providing information for an energy consumer rather than information for the electrical power supplier. Examiner found that Sinha et al discloses a unique situation where the consumer is also a supplier. Col. 2 lines 10-34 describes how the service can determine when the customer should purchase, generate or sell power. Because site 102 can also sell power, the site 102 can also be considered a supplier. Figure 1 shows a plurality of consumer sites, therefore while one site 102 is a consumer, another can be the supplier. Not only is the utility company 114 a supplier but a consumer site can also be a supplier. Col. 4 lines 42-50 discuss how site 102 provides demand and record data to the ESP, this disclosure reads on the limitation of receiving record data. Because the ESP can determine when to buy, generate or sell based upon collected data, the ESP is considered to calculate demand and because the ESP sends the information back to the site on whether to purchase, generate or sell, the power demand prediction data is considered to be sent to the supplier.

Applicant argues that Sinha et al does not disclose the receipt of electrical power demand and supply record data. Examiner disagrees and refers to col. 4 lines 42-50 again, which states that the ESP is provided with information regarding individual DPGs, current and historical power consumption, which equates to demand and supply records.

Applicant argues that Sinha et al does not perform prediction calculations of demand power... supplied from the supplier. This argument is not persuasive, the information collected

by the ESP from each site is used to determine whether to buy, generate or sell power.

Therefore, the predication calculations do use the data from the suppliers.

Regarding calculating a charge, ESP is not only a subscription service for customers that purchase power from utilities, it provides a subscription service for determining when to buy, generate or sell. Therefore the ESP is a service for a seller also.

While it is the opinion of the applicant that the Examiner “mischaracterized” Sinha et al, it is the Examiners position that the applicant failed to see that a consumer site can also be a supplier who can sell power to other consumers in the power distribution system. With that in mind, Sinha et al is considered to clearly anticipate the claimed invention and the rejection is maintained.

### *Conclusion*

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

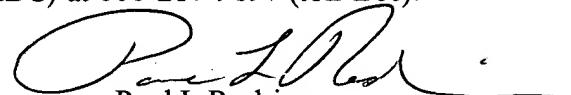
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul L. Rodriguez whose telephone number is (571) 272-3753. The examiner can normally be reached on 6:00 - 4:30 T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul L Rodriguez  
Primary Examiner  
Art Unit 2125

PLR  
7/27/05